

REMARKS

In paragraph 3 of the response to arguments, it is suggested that the *In re Venezia* case is in someway limited to situations arising under 35 U.S.C. § 112. There is no basis for this interpretation of the case. Moreover, it ignores the corresponding language in the cited Manual of Patent Examining Procedure. See M.P.E.P. § 2173.05(g). Therefore, reconsideration would be appropriate.

The unsupported assertion that applying titanium to layers other than the chalcogenide layer would increase crystallization speed should be reconsidered. The Examiner cannot simply make unsupported assertions of fact and leave it to the Applicant to disprove them. Here, there is nothing that would suggest that putting a material in one layer would affect the crystallization speed of another layer.

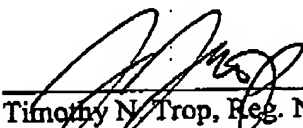
Presumably, the suggestion is that providing a certain dopant in a non-chalcogenide layer would somehow affect the chalcogenide layer inherently. To be true, this must necessarily be so. There is no reason to believe that it was so, no reason to believe it is necessarily so, and every reason to suspect that it would not be so. Therefore, there is no basis for any unasserted inherency rejection. Reconsideration is requested.

With respect to Horie, it is suggested that Horie teaches a titanium film being introduced into a chalcogenide film. In support, Figure 4 is cited. Nothing in Figure 4 suggests any such thing. Also, paragraph 194 is cited. Significantly, paragraph 194 never even mentions titanium. Also, paragraph 77 is cited. Significantly, paragraph 77 never even mentions titanium.

Reconsideration is requested.

Respectfully submitted,

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